

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

MCDAVID OYEKWE,

PLAINTIFF,

V.

RESEARCH NOW GROUP, INC. A/K/A,  
RESEARCH NOW, INC. A/K/A DYNATA,  
SEYFARTH SHAW LLP, and BRACKETT &  
ELLIS CORP.

DEFENDANTS.

[illegible]

CIVIL ACTION NO.: 3:21-cv-2282

REMOVED FROM THE DISTRICT  
COURT OF DALLAS COUNTY, TEXAS,  
CASE NO. DC-21-11578

C-298TH DISTRICT

## **DEFENDANTS' JOINT NOTICE OF REMOVAL**

TO: Clerk of Court, United States District Court  
For the Northern District of Texas, Dallas Division  
1100 Commerce Street, Room 1452  
Dallas, Texas 75242

Clerk of the 298th Judicial District Court  
Of Dallas County, Texas  
George L. Allen, Sr. Courts Building  
600 Commerce Street  
Suite 101  
Dallas, Texas 75202

McDavid Oyekwe  
3314 Seabreeze Drive  
Rowlett, TX 75088

Defendants Dynata, LLC (“Dynata”) (incorrectly identified by Plaintiff as Research Now Group, Inc. a/k/a Research Now, Inc. a/k/a Dynata), Seyfarth Shaw LLP (“Seyfarth”), and Brackett & Ellis P.C. (“Brackett & Ellis”) (incorrectly identified by Plaintiff as “Brackett & Ellis Corp.”) (collectively “Defendants”), by and through their attorneys and pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, file this Notice of Removal of Case No. DC-21-11578, which is

pending in the 298th District Court of Dallas County, Texas. In support of this Notice of Removal, Defendants state as follows:

1. On August 27, 2021, McDavid Oyekwe (“Plaintiff”) filed his Original Petition titled *McDavid Oyekwe v. Research Now Group, Inc. a/k/a Research Now, Inc. a/k/a Dynata, Seyfarth Shaw LLP, and Brackett & Ellis Corp.*, Case No. DC-21-11578, in the 298th District Court of Dallas County. A true and correct copy of the Docket Sheet for Case No. DC-21-11578 is attached as Exhibit B. A true and correct copy of Plaintiff’s Original Petition, is attached as Exhibit C.

2. Defendant Dynata was served with a copy of the Original Petition on September 4, 2021. Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of the Citation issued to Dynata and the related Return of Service are attached as Exhibit D.

3. Defendant Brackett & Ellis was served with a copy of the Original Petition on September 7, 2021. Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of the Citation issued to Brackett & Ellis and the related Return of Service are attached as Exhibit E.

4. Defendant Seyfarth was served with a copy of the Original Petition on September 8, 2021. Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of the Citation issued to Dynata and the related Return of Service are attached as Exhibit F.

5. In his Original Petition, Plaintiff purports to assert claims under the Equal Pay Act of 1963, 29 U.S.C. § 206; the False Claims Act, 31 U.S.C. §§ 3729-3733, the Employee Retirement Income Security Act, 1811; and the Sarbanes-Oxley Act, 17 C.F.R. §§ 201.700 and 201,701. (Ex. C at 7-8, Counts I -IV.)

6. Further, and although not explicitly labelled as individual “Counts” in the Original Petition, Plaintiff also appears to assert claims under Title VII of the Civil Rights Act of

1964, as amended, 42 U.S.C. § 2000e *et seq.* (“Title VII”), 42 U.S.C. § 1981 (“Section 1981”), the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 201 *et seq.* (“FLSA”), and the Texas Labor Code §§ 21.051 and 21.055. (Ex. C at 1 and 7-8 ¶¶ 68, 73, 78).

7. Pursuant to 28 U.S.C. § 1331, this Court has original jurisdiction over this action because Plaintiff’s Equal Pay Act, False Claims Act, ERISA, Sarbanes-Oxley, Title VII, Section 1981, and FLSA claims arise under the laws of the United States. *See* 28 U.S.C. § 1331 (“The District Court shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”).

8. In addition, this Court has supplemental jurisdiction over Plaintiff’s state law claims, to the extent alleged, pursuant to 28 U.S.C. § 1367, which provides that “in any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution.” Here, Plaintiff makes it clear in his Original Petition that the same conduct by Defendants forms the basis of his federal and state law claims for discrimination and retaliation. (*See* Ex. C ¶ 73 (alleging that “Defendant has violated Title VII of the Civil Rights Act, 42 U.S.C. § 1981 and the Texas Labor Code by discriminating against Plaintiff because of his race and color and retaliating against him.”).)

9. A district court may decline to exercise supplemental jurisdiction over a claim if: (1) the claim raises a novel or complex issue of State law; (2) the claim substantially predominates over the claim or claims over which the district court has original jurisdiction; (3) the district court has dismissed all claims over which it has original jurisdiction; or (4) there are

other compelling reasons for declining jurisdiction. None of these factors are present in the instant case.

10. Removal is appropriate “to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a). Pursuant to 28 U.S.C. § 124(a)(1), this Court embraces the 298th District Court of Dallas County, Texas. Accordingly, this Court is the appropriate venue for removal of this action. 28 U.S.C. § 1441(a).

11. This Joint Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b) as it is being filed within thirty (30) days after service of the Original Petition on Defendants.

12. Further, all named Defendants consent to the removal of this action to this Court.

13. A copy of this Notice of Removal is being sent to Plaintiff and to the Clerk of the District Court of Dallas County, Texas, as required by 28 U.S.C. § 1446(d).

14. In accordance with 28 U.S.C. § 1446(a) and Local Rule 81.1, Defendants have attached the following documents to this notice of removal:

- Index of Matters Being Filed (Exhibit A);
- A copy of the docket sheet from the state court action (Exhibit B);
- A copy of Plaintiff’s Original Petition filed August 27, 2021 (Exhibit C);
- A copy of the Citation issued to Dynata on September 1, 2021 with Return of Service dated September 4, 2021 (Exhibit D);
- A copy of the Citation issued to Brackett & Ellis on September 1, 2021 with Return of Service dated September 7, 2021 (Exhibit E);
- A copy of the Citation issued to Seyfarth Shaw on September 1, 2021 with Return of Service dated September 8, 2021 (Exhibit F);
- A copy of Plaintiff’s Civil Case Information Sheet from the state court action (Exhibit G);
- Defendants Brackett & Ellis’s, Seyfarth Shaw’s and Dynata’s Certificate of Interested Persons;

- Civil Cover Sheet;
- Supplemental Civil Cover Sheet; and
- Notice of Related Cases.

15. The undersigned has read this Notice of Removal, and to the best of the undersigned's knowledge, information, and belief, formed after reasonable inquiry, certifies that Defendants' factual allegations have evidentiary support and its legal contentions are warranted by existing law. The undersigned also certifies that this Notice is not interposed for any improper purpose, such as to harass, cause needless delay, or increase the cost of litigation.

WHEREFORE, Defendants pray that the above-referenced civil action proceed in the United States District Court for the Northern District of Texas, Dallas Division, as an action properly removed thereto.

Dated: September 24, 2021

Respectfully submitted,

/s/ Joseph F. Cleveland, Jr.

Joseph F. Cleveland, Jr.

SBN: 04378900

jcleveland@belaw.com

BRACKETT & ELLIS,

A Professional Corporation

100 Main Street

Fort Worth, Texas 76102

Telephone: 817.338.1700

Facsimile: 817.870.2265

*Attorney for Defendants, Dynata LLC,  
Seyfarth Shaw LLP, and Brackett & Ellis P.C.*

Alex S. Drummond\*

Georgia Bar No. 231116

adrummond@seyfarth.com

Christina F. Meddin\*

Georgia Bar No. 135969

cmeddin@seyfarth.com

SEYFARTH SHAW LLP

1075 Peachtree Street, N.E.

Suite 2500

Atlanta, Georgia 30309-3962  
Telephone: (404) 885-1500  
Facsimile: (404) 892-7056

*Attorneys for Defendants, Dynata LLC and  
Seyfarth Shaw LLP*

*\*pro hac vice applications forthcoming*

**CERTIFICATE OF SERVICE**

I hereby certify that I have caused a true and correct copy of the foregoing Notice of Removal to be served upon the following by First Class U.S. Mail, on this 24th day of September, 2021:

McDavid Oyekwe  
3314 Seabreeze Drive  
Rowlett, TX 75088

/s/ Joseph F. Cleveland, Jr.  
Joseph F. Cleveland